

EDITORIAL NOTE: For Federal Register citations affecting § 51.1, see the List of CFR Sections Affected in the Finding Aids section of this volume.

§ 51.2 Cooperation with States.

The Administrator has been delegated the authority to cooperate with the proper State authorities in the eradication of brucellosis and to pay indemnities for the destruction of brucellosis-reactor animals or brucellosis-exposed animals.

[42 FR 64336, Dec. 23, 1977, as amended at 54 FR 32435, Aug. 8, 1989]

§ 51.3 Payment to owners for animals destroyed.

(a) *Cattle and bison.* The Administrator may authorize³ the payment of federal indemnity by the United States Department of Agriculture to any owner whose cattle or bison are destroyed as affected with brucellosis.

(1) *Brucellosis reactor cattle and bison.* The Administrator may authorize³ the payment of Federal indemnity by the United States Department of Agriculture to owners whose cattle or bison are destroyed as brucellosis reactors. Except for cattle and bison destroyed as part of whole herd depopulation in accordance with paragraph (a)(2)(i) of this section, the indemnity shall not exceed \$250 for any registered cattle or \$50 for any nonregistered cattle or bison, except that, for nonregistered dairy cattle the indemnity shall not exceed \$250, and except that in Alaska, Hawaii, Puerto Rico, and the Virgin Islands indemnity shall not exceed \$250 for any registered cattle or \$150 for any nonregistered cattle or bison, except that, for nonregistered dairy cattle the indemnity shall not exceed \$250. Prior to payment of indemnity, proof of destruction⁴ shall be furnished to the veterinarian in charge.

(2) *Herd depopulation.* (i) *Eligibility.* The Administrator may authorize payment of Federal indemnity³ by the

United States Department of Agriculture to any owner whose herd of cattle or bison is destroyed because of brucellosis. The United States Department of Agriculture shall pay Federal indemnity for brucellosis exposed cattle or brucellosis exposed bison in the herd only when the Administrator determines that destruction of all cattle and bison in the herd will contribute to the brucellosis eradication program. Proof of destruction⁴ must be furnished to the Veterinarian in Charge prior to payment of Federal indemnity.

(ii) *Amount of Federal indemnity.* Payments of Federal indemnity shall be made at the rates in effect at the time the Administrator approves depopulation for the herd. In States other than Class Free States, the amount of Federal indemnity shall not exceed \$250 for any nonregistered cattle other than dairy cattle, and \$250 for any bison. For any registered cattle, nonregistered dairy cattle, or, in Class Free States, any cattle or bison from herds affected with brucellosis, the amount of Federal indemnity shall not exceed the lesser of 95 percent of appraised value, minus salvage value, or \$750. The appraisal shall be conducted by an independent appraiser assigned by the Administrator.

(3) *Exposed female calves.* The Administrator may authorize³ the payment of Federal indemnity to any owner whose *exposed female calf or calves* are destroyed because of brucellosis. The indemnity for such animals shall not exceed \$50 per head. Except for sexually

States requesting payment of Federal indemnity; and (d) In States not requesting a lower rate.

⁴The Veterinarian in Charge shall accept any of the following documents as proof of destruction: (a) A postmortem report; (b) A meat inspection certification of slaughter; (c) A written statement by a State representative, APHIS representative, or accredited veterinarian attesting to the destruction of the animal; (d) A written, sworn statement by the owner or caretaker of the animal attesting to the destruction of the animal; (e) A permit (VS Form 1-27) consigning the animal from a farm or livestock market directly to a recognized slaughtering establishment; or (f) In unique situations where the documents listed above are not available, other similarly reliable forms of proof of destruction.

³The Administrator shall authorize payment of Federal indemnity by the United States Department of Agriculture at the maximum per head rates in § 51.3: (a) As long as sufficient funds appropriated by Congress appear to be available for this purpose for the remainder of the fiscal year; (b) In States or areas not under Federal quarantine; (c) In